WILMINGTON, N. C., MONDAY, JAN. 8, 1854.

day, represent us as advancing this fact by way of most of us are hard up for money. argument in favor of the existing state of things .-We advanced it neither for nor against such state of things, but simply for the purpose of showing that been misrepresented by the Star and its co-adjutors.

Pending the discussion of the Free Suffrage Bill, the object of which, as every body knows, is to do that is beseiged. It is a pretty even race. The rain away with distinctions between voters, so that all who has the best of it. It is evident that everything that are now qualified to vote for members of the House of Commons may also vote for members of the Senate, Crimea, as early as operations can be renewed, and Mr. Haughton introduced an amendment providing that no Foreigners, unless naturalized citizens of the United States, should vote for Senators. Now the beauty of this thing is that this move would have defeated Free Suffrage, which is designed to produce perfect equality between voters for the House and for the Senate, since it would have introduced a prohibition in regard to Senatorial voters, which does not exist in the other case.

Let us be understood about this matter. We are as much opposed as any one to insufficient Naturali zation Laws, or to a lax administration of the same. If the circumstances of any State indicate the necessity or propriety of changing its constitutional requirements on the score of suffrage, in this as in any other respect, it is matter for the people of such State to consider and decide upon; but we do, most unquestionably, oppose any movement by which a constitutional provision of North Carolina, regulating an important incident of her own sovereignty, would be made a mere weather-cock to be blown about by every change of opinion expressed in temporary acts of Congress. And such would be the effect of incorporating Mr. Haughton's amendment into our constitution. Now, for instance, the naturalization laws of years, and this mere change in the act of Congress would change our constitution.

State Constitutions regulating suffrage in this re- supply in a great measure the absence of numbers. spect are null and void, and the general laws of Congres over-ride the internal policy of the States, then of the troupe fill their respective roles satisfactorily, Mr. Haughton's amendment is ridiculous surplusage. | while the gentlemen of the company act well-capi-If on the other hand the States do really possess that | tally in some parts and respectably in all. important incident of sovereignty, the regulation of their domestic suffrage, then the voluntary abandonment of that right into the hands of a mere Congressional majority would be a betrayal of the rights of the State impossible to be pardoned.

Know-Nothingism in Congress.

We regret to notice that the attack or advocacy of the all-pervailing ism has already begun to consume the Bank of the State. the time, although it may not occupy the attention, of We find little or nothing of interest in the Senate's Congress. We regret it because it is premature. In the present Congress it can do nothing, and the members or Senators, who make moves toward carrying In the House, Mr. Baxter, from the Committee on out the policy of the order, are as fully aware of that the Judiciary, reported unfavourably upon a proas anybody, and, of course, all their talks and mo- position to enact a Lien Law in favour of Mechanics tions are merely made for electioneering purposes, in order to take time by the forelock, and establish for out to be the dominant party.

there be talking to Buncombe all around. It has of North Carolina, passed its third reading. been boasted that the new organization has carried the Northern States, and can show its power in the their third reading. A Bill incorporating the town next House. Perhaps it has, and perhaps it can; at any rate, the Free Soilers have certainly carried the bachelors, which passed, ayes 36, nays 30. It was States—it may be conceded that it authorizes Congress, in less remarkable. It is, that when the general government of the like steamboats and other vessels employed in navimost of the Northern States-a strange coincidence- subsequently re-considered. At first the opinion and we suppose the anti-Nebraska men will make a seemed to have been that bachelorhood was a luxudead onslaught on the Nebraska and Fugitive Slave ry, and, therefore, a fit subject for taxation, but sub-Law, as well as upon the Naturalization Laws. We sequently the descent the disquietude which such an assertion contained, shall see what we shall see, and be amused thereby. and backed out. We shall see ground and lofty tumbling, odd combinations, peculiar evidences of consistency, great devotion to religion, in the way of hating your neighbor like the devil if he happens to go to the wrong church. All this we shall see, and, after seeing it, will be led to the conclusion that another Presidential tendant on immigration. A bill from the House conelection is approaching, and that certain gentlemen tinuing the California Land Commission, was passed. are aspirants for something or other with a salary an-

issue based upon an insufficient capital. Such things have been, and will be again. Humanity is frail and weak, and office has temptations.

to do, and ought to do it. Even if action is eventually to be taken upon any of the Know-Nothing projects, their projectors know enough to feel pretty of business, we wish they would wait for a fair showing, and then go it !-Go IT with a rush !-GO IT with a looseness !- GO IT with a swing.

Shooting and Probable Murder.

Capt. Elijah Benson, a very quiet and inoffensive cit- for the reorganization of the Army, which was reizen, of Middle Sound District, was found on, or be- committed, and the House adjourned. side, the Topsail Plank Road, about two miles and a half from town, insensible from the effects, apparently, of a shot fired into the back part of his head and coming out in front near about the corner of his jaw. Mr. Benson remained in the same state in which he was found up to Saturday night, when he died, unable to give any clue to the transactions, which is exceedingly mysterions, as he is a man against whom it is hardly reasonable to suppose that any one could have a spite. He had been to town, and also to Mr. Green's mill, in his cart. Nothing in the cart was touched. Mr. Benson had apparently been dragged speech against the Know-Nothings. Messrs. Clingto the side of the road. Coroner J. C. Wood held an inquest over the body of the deceased on yesterday andsto-day. We are not aware of any clue having been discovered to the murderer or murderers.

The Commercial thinks that the Know-Nothings Proposed Reduction of the Tariff to the Revenue in Congress will have nothing to do with anti-Nebras ka or the repeal of the Fugitive Slave Laws. Well the Commercial certainly ought to know more about the Order than we can pretend to do. All we do the Secretary of the Treasury to revise the present know we derive from the public facts of the case, as tariff. Mr. Toucy was in the chair, and Mr. Barks- live and support armies. At the same time, it would be a mis- pliedly recognises the fact that they are alike branches of fords its own measure or legislative discretion. But if the they stand before the people, and from these we learn that, for the first time, the Know-Nothings claim to have made their mark upon State and Congressional elections at the North, and that these elections, upon which such Know Nothing mark has been made, have resulted in a grand Free Soil sweep at the North, and a Congress dead opposed to the South, so far as in a Congress dead opposed to the South, so far as in a Congress dead opposed to the South, so far as in a Congress dead opposed to the such Know Nothing mark has been made. In the particular improvement, had not been experisoned and the date of the constitution and on the execution of the constitution of the constitut the lower House is concerned. We repeat-we only know what we see and what anybody may see for

No Specie. - The Cunard Steamer America, which education." sailed from Boston on the 3d, took out no specie.

The news from Texas is that Hon. Sam. Houston has resigned his seat in the United States Senate, to take effect at the expiration of the present session .-Why will the Raleigh Star continue to repre- Sam. wants to be President, but is not particular asent the positions of its opponents in unfair light. It bout the party by whose support he may be enabled sometime since charged that the "dominant majori- to climb into the Presidential chair. It is said that bill was passed, to state my objections to it very briefly, ments. ty" in the Legislature-to wit, the Democratic par. he has joined the Know Nothing party, and is mainty-had voted to give to unnaturalized Foreigners the | Iv solicitous for the nomination of that organization. right to vote for Senators; we showed that the vote A strange position for a man whose fame in life is two houses were entitled to an exposition of the Considerations diction of the Considerations diction of the Considerations and Support, by appropriations had no such effect—that it gave nothing—it changed derived chiefly from squatting upon foreign territory nothing-it left matters in that respect precisely as He opposed very strongly the "Knew Nothing" they had been left in the original and also in the proclivities of Santa Anna once upon a time, but ciramended constitution. It now, in its issue of Thurs- cumstances alter cases, and we are all weak, and period of the history of the United States. Annual and spe-

The European News.

-absolutely nothing new-the seige of Sabastopol, as the action of the Democrats in the Legislature had it is called, remains in statu quo. It is a race of rein- attention strongly to the magnitude of the interests involving the discissippi, now teeming with population and merce, in virtue of an express constitutional power, needing the discissippi, now teeming with population and merce, in virtue of an express constitutional power, needing the discission of the discission of the discission of the magnitude of the interests involving the discission of the disciss forcements. It has for some time been a matter of question with us whether it is the Allies or Sebastopol this class by the general government.

What is intended by the phrase "internal improvements?" the Allies can muster will be brought to bear on the the same course will no doubt be pursued by Russia. The seige has assumed the character of a duel, a stand-

The money market in New York begins to exhibit ome evidences of improvement. A slight increase is visible in the discount line of the banks; also, an increase of specie, of deposits and of circulation It is er which authorizes the construction of "railroads and ca- government has the power to build a light-house or a beacon, Out of this condition of things arose a question which, at not very large but is important, as being the first been altogether the other way. The suspension, or, more properly speaking, failure of Wadsworth & monetary confidence, their indebtedness being over tional power thus comprehensive in its nature, must not the the conclusion is the same, that Congress has no constitutional limits of the maratime jurisdiction of the two millions; but we presume the thing had been looked for. The parties had been virtually failed for to the welfare of the whole country? President Jefferson, some time, only people didn't know it.

The man that had money to operate with, might make more here by investing in real estate, when any is to be sold for cash; for really, nobody here can buy, and property, if sold, must go below its value if at all. Some mill property, sold here at auction, in the beginning of the week, showed this very fully.

The Mackenzie Troupe closed a series of per-Congress require a residence of five years to entitle formances at the Theatre on Saturday night, where a foreigner to the right of citizenship, and, of course, they had succeeded in drawing good houses, for nearfive years would, according to Mr. Haughton's amend. | ly two weeks. They give very pleasing entertainment, be the constitutional term in North Carolina .- | ments and the Company embraces as much, if not Next year it might be changed by Congress to 14 more, talent than is usually to be found among the same number of performers. An evident desire to please-a hearty co operation among the members of If, as is contended by the Know-Nothing party, all | the troupe, and a considerable versatility of talent Miss Katie Estelle dances well, and the other ladies

The Legislature.

Both houses appear to be mainly occupied with In the House on Tuesday, a bill amending the charter of the Western Plank Road Company, passed its third reading. The consideration of the "People's Bank," was postponed for one week. Various amendments were offered by Mr. Myers from the Committee on Banks, to the bill for re-chartering

proceedings on Wednesday. The bill to pay the Vardens of the Poor in the counties of Alamance and Duplin, passed its third reading.

themselves a position in what they think may turn Mr. Myers introduced a bill to incorporate the Columbia and Charlotte Telegraph Company. An engrossed resolution, authorizing the collection of The next session will be the time for it. Then will documental evidence for the completion of a history

> of Lenoir had a clause in it taxing lawyers, doctors and dogs. A member introduced a clause taxing sequently the benedicts saw the admission of domes-

United States Congress.

Washington, January 4, 1855. Senate .-- Mr. Sumner presented a memorial from citizens of Massachusets, asking that a capitation tax not less than \$2.50 be levied on every foreign emigrant, to protect the country from the evils at-The discussion of the Bounty Land Bill was resumed. An amendment making the maximum in any township thus granted, 320 acres, was again amended, Thus it will come to pass, that patriotism, like the by making it six hundred and forty acres, &c. Macirculating medium, may be depreciated from an over- ny other amendments were proposed, which, if pass- ly, roads. ed, would extend a grant to every country trained band The Senate went into Executive session without disposing of the bill.

House.-Mr. Stanton of Tennessee moved to take But that is not the thing-Congress has business up for consideration that part of the President's message relative to the re-establishment of the Memphis Navy Yard; and that portion of the message was specially referred. Mr. Fenton introduced a bill improving Dunkirk Harbor, which was referred. The certain that it will not be this time, and for the sake | bill relating to the sale of swamp lands in Florida was taken up in committee of the whole. Mr. Sollers made a speech in reply to Mr. Ketit's remarks of yesterday. Mr. Sollers strongly advocated the doctrines of the Know-Nothings. After many amend-On Friday night last, between 9 and 10 o'clock, the House and passed. Mr. Faulkner reported a bill railroads in construction, making a total of at least two hundred to the degree of all the provisions of the bill President Jackson. He, seeking amid all the difficulties of the nature and to the degree of all the provisions of the bill President Jackson. He, seeking amid all the difficulties of the nature and to the degree of all the provisions of the bill President Jackson. He, seeking amid all the difficulties of the nature and to the degree of all the provisions of the bill President Jackson. Washington, January 3, 1855.

SENATE. - The President sent a communication enclosing the correspondence respecting military opera-tions of the Pacific division of the Army The bill Mr. Sumner gave notice that he would, to-morrow, introduce a bill to secure the wages of seaman in case of the wreck of the vessel.

House.-Mr. Latham from the committee on the public lands, reported back the bill continuing for one year from March next, the acts for the adjudicaion of land claims in California. The House went into committee of the whole on the bill for the relief of purchasres of swamp lands. Mr. Keitt made a man and Bayly discussed the proposition for a mediation between the Allies and Ru-sia.

Hon. Kenneth Rayner is replying, through the Columns of the Washington Organ, to Henry A. Wise's letter on Know-Nothingism.

Standard.

Washington, Jan 3 .- The democratic members f the House met to-night in caucus in the Hall of Representatives to consider the recommendation of dale of Mississippi, acted as Secretary.

pier is a candidate for Parliament in the borough of been suggested that express authority to construct works of Marly bone. His programme, forwarded per telegraph internal improvement has been conferred on Congress—name—but with obvious uncertainty of opinion as to the line between mands, one is a return to the primitive idea of Congress. is-"War to the knife with Russia-extensive reform vote by ballot-shorter parliaments-and general

Fanny Fern has made \$20,000 by her pen.

Harbor Improvements.

To the Senate and House of Representatives : In returning to the House of Representatives, in which it nnouncing, at the same time, a purpose to resume the subect for more deliberate discussion, at the present session of retains within any of the States-sites for dock-yards or

been the subject of earnest difference of opinion at every and then proceed to analyze this clause of the constitution. sentiments of eminent statesmen, expressed in Congress, or plan calculated to relieve the subject of the embarrassments | Now, as it is a fundamental principle that the constitution | gability. ed, have yet left unsettled the limits, not merely of expedi-ency, but of constitutional power, in relation to works of but is limited by the object in regard to which legislative plored wilderness. Our advancement has outstripped even improvements thus constructed and maintained, the expen-

up fight on one spot, which will probably decide the general government "a permanent & regular system" of the exercise of any power conferred on Congress. nternal improvements, speaks of it as a system by which "the for several months, during which the tendency has the construction of bridges, to the draining of marshes, to tion over it. Still the power to purchase for the purpose of what waters are public navigable waters, so as not to be of improvement of the earth, by developing its natural resour- be sought after in some other clause of the constitution. ces, anywhere and everywhere, even within the proper juris-Sheldon, Bankers, has, no doubt, done some injury to diction of the several States. But if there be any constitusame power embrace within its scope other kinds of improvewhile intimating the expediency of so amending the constitution as to comprise objects of physical progress and wellbeing, does not fail to perceive that "other objects of public improvement," including "public education," by name, belong to the same class of powers. In fact, not only public ibraries, and, indeed, everything appertaining to the inter-

> volves dangerous augmentation of the political functions and of the government. of the patronage of the federal government, we ought to see clearly by what clause or clauses of the constitution it is

proper now to repeat, that it is, in my judgment, to be tathe individual States, and of the people of the States sever- all light-houses, beacons, buoys, and public piers, erected, quisition of Louisiana had made wholly our own the terrially; that the sovereign power was in them alone; that all placed, or sunk before the passing of this act, at the entrance torial greatness of the West. It repudiates, unequivocally, born and many of them wish to die.

quility, provide for the common defence, promote the general acts, when examined with reference to other parts of the subrelfare, and secure the blessings of liberty to ourselves and | ject, is worthy of special consideration ur posterity," it only declares the inducements and the anr in strict subordination to the purpose of the common defence and general welfare of all the States.

There being no specific grant in the constitution of a power to sanction appropriations for internal improvements, and priations for deepening the channel leading into the harbor while in the latter the water was at least equally deep and and Ship Carpenters, and also on a memorial asking no general provision broad enough to cover any such inde- of Presque Isle, on Lake Erie, and for repairing Plymouth navigable, and its commerce as rich as in the former with for a lien law in favour of Architect Mechanics in the finite object, it becomes necessary to look for particular powers to which one or another of the things included in the rase "internal improvements" may be referred. In the discussion of this question by the advocate of the Representatives. organization of a "general system of internal smprovements" under the auspices of the federal government, reliance is had,

for the justification of the measure, on several of the powers expressly granted to Congress; such as to establish post offices and post roads: to declare war; to provide and Several Plank Road and Turnpike Bills passed maintain a navy; to raise and support armies; to regulate that the course of legislation so long pursued was induced, in wards, enrolled and licensed for the coasting trade, and at commerce, and to dispose of the territory and other public property of the United States. As to the last of these sources of power-that of disposing | gress

of the territory and other public property of the United est of the property to incidental purposes.

any system established under it would exceed each of the this relates to navigation. The practice under all my pre-

ample one of the many things comprehended clearly in the gress, as we have already seen, the inducement and object of means of commercial communication with any other State. idea of "a general system of internal improvements," name- the appropriations are expressly declared: those appropria- and subject to be improved or obstructed, at will, by the roads over the whole Union, according to the suggestion of | piers" erected or placed "within any bay, inlet, harbor, or President J. Q. Adams in 1807, whilst a member of the Sen- port of the United States for rendering the navigation thereate of the United States, had been conceded: Congress would of easy and safe." have begun, in pursuance of the state of knowledge at the time, by constructing turnpikes; then, as knowledge advan- ations of this class leads to the inference that, beyond the ced, it would have constructed canals; and at the present purposes of national defence and maintenance of a navy, time it would have been embarked in an almost limitless

Now, there are in the United States, the results of State by the federal government, supposing the thing to have been | provide as incident to the revenue power; for at this point | ne hundred millions of dollars. The number of persons employed in superintending, managing, and keeping up these canals and railroads, may be stated at one hundred and grest may construct light-houses and beacons, and provide, ments had been offered, Mr. Letcher proposed to a- twenty-six thousand, or thereabouts; to which are to be adpublic works in the United States.

In view of all this, it is not easy to estimate the disastrous tions of the Pacific division of the Army The bill suspended, and private enterprise paralyzed, while application of the Army was recommitted. It is the reference to the end must be lawful, and national and what local, by means of which to determine

ded that authority, drawing after it such immense consecalculations were carried out in regard to the numerous obthe idea of internal improvements admits. It may be safely est of the United States. inferred that if the framers of the constitution had intended itary service of the country, then it seems to me undeniable use of these powers and a violation of the constitution to un- the same great subject of internal improvements. Resolutions were passed, to the purport that it is dertake to build upon them a great system of internal improper that the duties on goods, wares and tion of any such proper that the duties of goods, wares and tion of any such proper as involved in the tion of any such properties. tion of any such power as involved in that to establish post

less when this provision is carefully examined and compared same time, complicated the question of the power of the gen-

with other parts of the constitution. It is undoubtedly true that "like authority" refers back works, heretofore commenced under authority of law," it the District of Columbia, and there is in the District no divibecame necessary for me, owing to the late day at which the sion of powers as between the general and the State govern- infinite variety of possible river and harbor improvements, In those places which the United States has purchased, or

which had induced dissent, on my part, from their conclulet us assume, for the argument's sake, that the jurisdiction eral government in relation to internal improvements has complete as in that ceded by them for the seat of government commerce

> authority is directly conferred. The other expressions of the clause in the question confirm

Thus the United States need, in the exercise of admitted whole Union would have been checkered over with railroads powers, not only forts, magazines, arsenals, and dock-yards, of the ideas of that of the confederation, has taken heed to necessary to the execution of its undoubted powers and of and canals," affording "high wages and constant employ- but also court-houses, prisons, custom-houses, and post- declare, from time to time, as occasion required, either in leaving all others to individual enterprise, or to the separate mene to hundreds of thousands of laborers;" and he places offices, within the respective States. Places for the erection acts for disposing of the public lands in the Territories, or States, to be provided for out of their own resources or by it in express contrast with the construction of such works of such buildings the general government may constitution in acts for admitting new States, that all navigable rivers recurrence to the provision of the constitution which author. the legislation of the States and by private enterprise. ally purchase, and having purchased them, the jurisdiction within the same shall be deemed to be and remain public izes the States to lay duties of tonnage with the consent of It is quite obvious that if there be any constitutional pow- over them belongs to the United States. So, if the general highways. nals" by Congress, the same power must comprehend turn- it may purchase a place for that object; and having pur- successive periods of our public annals, has occupied the atpikes and ordinary carriage roads; nay, it must extend to chased it, then this clause of the constitution gives jurisdictention of the best minds in the Union. This question is, the erection of levees, to the construction of canals of irri- erecting a light-house or beacon must depend on the exis- State character and jurisdiction, but of federal jurisdiction gation-in a word, to all the possible means of the material tence of the power to erect; and if that power exists, it must and character, in the intent of the constitution and of Con-

garded, whether as a question of express or implied power, decisions of the Supreme Court of the United States, defining tional authority to carry on a ystem of internal improve- general government. That jurisdiction is entirely indepen- ny-was taken up. On motion of Mr. Steel, the bill ment, of equal utility in themselves, and equally important | ments; and in this conviction the system has been steadily | dent of the revenue power. It is not derived from that, nor opposed by the soundest expositors of the functions of the is it measured thereby.

struction, but hospitals, establishments of science and art, thoughts. Human language, save in expressions for the ex- constitution itself, there is a section in which the statesmen act sciences, must always fail to preclude all possibility of who framed the constitution have placed on record their nal welfare of the country, are just as much objects of inter- controversy. Hence it is that in one branch of the subject alluded briefly to the monetary pressure and thought nal improvement, or, in other words, of internal utility, as The admission of the power, in either of its senses, implies in regard to the general subject; and it therefore seems including, all seizures under the law of impost, navigation, ts existence in the other; and since, if it exists at all, it in- proper, in this respect, to revert to the history of the practice or trade of the United States, when the seizures are made on ginal counties within the borders of our own State

proved by President Washington on the 7th of August, 1789,

which contains the following provisions: ken for granted, as a fundamental proposition not requiring fifteenth day of August, one thousand seven hundred and eight the fact that the great lakes and the Mississippi were navi- as a portion of the Commonwealth of North Caroken for granted, as a fundamental proposition not requiring inteents day of August, one thousand seven handred and eight elucidation; that the federal government is the creature of ty-nine, in the necessary support, maintenance and repairs of gable waters of the United States even then, before the acceptance of the united states even then, before the acceptance of the United States even then, before the acceptance of the United States even then, before the acceptance of the United States even then, before the acceptance of the United States even then the torright of the United States even the United States even the United States even the strument which organized it; and by express terms "The shall be defrayed out of the treasury of the United States: upon whether it is salt or not, and therefore in a river conpowers not delegated to the United States by the constitution, Provided nevertheless, That none of the said expenses shall fines that quality to tide-water-a rule resulting from the or prohibited by it to the States, are reserved to the States | continue to be so defrayed after the expiration of one year from | geographical condition of England, and applicable to an Starting from this foundation of our constitutional faith, and public piers shall, in the mean time, be ceded to, and ves- portion of which, for ships, is in immediate contact with the Gap, and said nd proceeding to inquire in what part of the constitution the | ted in, the United States by the State or States respectively ocean, but wholly inapplicable to the great inland freshower of making appropriations for internal improvements in which the same may be, together with the lands and tene- water seas of America, and its mighty rivers, with secondary found, it is necessary to reject all idea of there being any ments thereunto belonging, and together with the jurisdiction branches exceeding in magnitude the largest rivers of Great grant of power in the preamble. When that instrument of the same." Acts containing appropriations for this class of Britain. says, "We, the people of the United States, in order to form | public works were passed in 1791, 1792, 1793, and so on, from a more perfect union, establish justice, insure domestic tran- year to year, down to the present time; and the tenor of these comprehensive definition of navigability afforded by that act

ticipated results of the things ordained and established by it. ty years after the adoption of the constitution, all appropriation of the general government not only the waters of the sincerely and earnestly calling upon this House-this guage of the preamble would be to convert all the body of exception, to the construction of light-houses, beacons, buoys, struction it was with truth objected, that, in so far as conconstitution, with its carefully-weighed enumerations and public piers, and the stakeage of channels; to render cerns the lakes, they are in 'act seas, although of fresh and limitations, into mere surplusage. The same may be navigation "safe and easy," it is true, but only by indica- water; that they are the natural marine communications besaid of the phrase in the grant of the power to Congress" to ting to the navigator obstacles in his way, not by removing tween a series of populous States, and between them and pay the debts and provide for the common defence and gen- those obstacles, nor in any other respect changing artificially eral welfare of the United States," or, to construe the words the pre-existing natural condition of the earth and sea. It is navigated by ships of commerce of the largest capacity; that saying that, in laying and collecting taxes for each of the or for supplying harbors where these do not exist, are also son to undertake, by means of an arbitrary doctrine of techcise objects of power granted to the general government, means of rendering navigation safe and easy; and may, in | nical foreign law, to exclude such waters from the jurisdicongress must exercise any such definite and undoubted pow- supposable cases, be the most efficient as well as the most tion of the general government. In regard to the river Mispropriation for the improvement of harbors in the nature of a distinction artificial and unjust, because regardless of the hose provided for in the bill returned by me to the House of

One other peculiarity in this course of legislation is not this must be the primary object of any such improvement, to be ceded to the United States; and although for a time | States. wide as the whole field of internal improvements, it is re- provide for the general defence; but their number, and, in States and Territories. markable that they did not use language clearly to express | many instances, their location, preclude the idea of their | other in the amount of expenditure and number of the per- decessors in office, the express admissions of some of them,

If it contended that this review of the history of appropriworks in aid of navigation, it is, at the same time, to be reand 5,000 miles of canals-in all 22,000 miles-the total cost | themselves directly suggestive of limitations of constitution-

as it does, other means to prevent shipwrecks on the coasts of constitution

internal navigation ; because all the objects are of more or purpose of evading the constitution jects of material, moral, and political usefulness, of which less importance to the commercial as well as the naval inter-

The answer to all this is, that the question of opening vide for the inprovement of rivers and harbors, and also that transactions are small. Sales of Western Canal at to confer the power to make appropriations for the objects speedy and easy communication to and through all parts of of the legitimate responsibility of the Executive in the same indicated, it would have been enumerated among the grants the country is substantially the same, whether done by land relation. expressly made to Congress. When, therefore, any one of or water; that the uses of roads and canals in facilitating In matters of legislation of the most unquestionable constiwhen the object of a given road, the clearing of a particular channel, or the construction of a particular harbor of refuge, is manifestly required by the exigencies of the naval or milthat one of the most important acts of appropriation of this class, that of the year 1833, under the administration of ry or naval purposes, then its rightfulness whether in amount

Special Message of the President on River and the State in which the same shall be, for the erection of acquisition of additional territory and the application of would powerfully tend to counteract endeavors to obtain an forts, magazines, arsenals, dock-yards and other needful build-steam to the propulsion of vessels, have greatly magnified propriations of a local character, and chiefly calculated the importance of internal commerce, this fact has, at the promote individual interests. The want of such a promote individual interests.

eral government over the present subject. Jackson conceded the constitutionality, under suitable cir-Congress; for, while by no means insensible of the arduous- forts, for example-legal process of the given State is still cumstances, of the improvement of rivers and harbors through ness of the task thus undertaken by me, I conceived that the permitted to run for some purposes, and therefore the juris- the agency of Congress; and President Polk admitted the United States. of the United States in a tract of land ceded to it for the improvements, within the bays, inlets, and harbors of the eration of Congress. It is, to make appropriation for every The great constitutional question of the power of the gen- purpose of a dock-yard or fort by Virginia or Maryland is as ocean and lake coasts immediately connected with foreign work in a separate bill, so that each one shall stand on its

It provides that Congress shall have certain legislative between foreign and domestic commerce, it cannot be restricted as of general interest, and a proper subject of charge on cial messages of successive Presidents have been occupied authority over all places purchased by the United States for ted thereby to the bays, inlets, and harbors of the oceans and the treasury of the Union. with it, sometimes in remarks on the general topic, and frequently in objection to particular bills. The conflicting sentiments of eminent statesmen, expressed in Congress, or The news by the Asia amounts to little or nothing in conventions called expressly to devise, if possible, some clause of the constitution, for it is not conferred by this one. the progress of settlement until it reaches the limit of navi-

> lic. and it illustrates the fact, that no rule is admissible afford, are a voluntary charge on those only who see fit What does it embrace, and what exclude? No such lan- this conclusion, since the jurisdiction is given as to places pur- which undertakes to discriminate, so far as regards river and avail themselves of such facilities, and can be justly complain. guage is found in the constitution. Not only is it not an ex- chased for certain enumerated objects or purpose. Of these, harbor improvements, between the Atlantic or Pacific coasts | ed of by noue. On the other hand, so long as these improve pression of ascertainable constitutional power, but it has no the first great division, forts, magazines, arsenals, and dock- and the great lakes and rivers of the interior regions of North ments are carried on by appropriations from the treasury. sufficient exactness of meaning to be of any value as the bayards, are obviously referable to recognised heads of specific America. Indeed, it is quite erroneous to suppose that any
> the benefits will continue to inure to those alone who enjoy sis of a safe conclusion, either of constitutional law or of constitutional law or of constitutional power. There remains only the phrase "and such discrimination has ever existed in the practice of the the facilities afforded, while the expenditure will be a bur other needful buildings." Wherefore needful? Needful government. To the contrary of which is the significant den upon the whole country, and the discrimination a double President John Quincy Adams, in claiming, on one occa- for any possible purpose within the whole range of the bus- fact before stated, that when, after abstaining from all such injury to places equally requiring improvement, but not sion, after his retirement from office, the authorship of the ness of society and of government? Clearly not; but only appropriations for more than thirty years. Congress entered equally favored by appropriations. idea of introducing into the administration of the affairs of such "buildings" as are "needful" to the United States in upon the policy of improving the navigation of rivers and harbors, it commenced with the rivers Mississippi and Ohio. The Congress of the Union, adopting, in this respect, one fining appropriations by the general government to works

> > gress ? A proximate, but imperfect, answer to this impor- last : From whatever point of view, therefore, the subject is re- tant question is furnished by the acts of Congress and the

In that act of Congress which, in the first year of the It is not to be supposed that in no conceivable case shall government, organized our judicial system, and which, there be doubt as to whether a given object be or not a necessary incident of the military, naval, or any other pow- with which it was treated, or the deference with which its er. As man is imperfect, so are his methods of uttering his provisions have come to be regarded, is only second to the the question of the power of Congress to make appropriations courts of the United States "shall have exclusive cogniin aid of navigation—there is less of positive conviction than zance of all civil cases of admiralty and maritime jurisdiction, be derived from the sale of the products of the mar-Among the very earliest acts of the first session of Congress more tons burden, within their respective districts, as well Legislature to deliver the border counties from the was that for the establishment and support of lighthouses, ap- as upon the high seas." In this cotemporaneous exposition of the constitution, there is no trace or suggestion that na-"That all expenses which shall accrue from and after the waters. The law is marked by a sagacious apprehension of other counties, and be recognised indeed and in truth the day aforesaid, unless such light-houses, beacons, buoys, island with small and narrow streams, the only navigable

At a later period, it is true that, in disregard of the more of Congress, it was for a time held by many, that the rule established for England was to be received in the United It is a remarkable fact that, for a period of more than thir- States; the effect of which was to exclude from the jurisdicyear 1824, that, in an act to improve the navigation of the at the point of ebb and flood of tide, and say that the part rivers Ohio and Mississippi, and in another act making appro- below was public navigable water, and the part above not, beach, in Massachusetts bay, we have any example of an ap- | numerous ports of foreign entry and delivery, was to sanction real fact of navigability.

We may conceive that some such considerations led to the enactment, in the year 1845, of an act, in addition to that of this respect is attributable altogether to considerations of 1789, declaring that "the district courts of the United States obstacle to navigation might be not less useful than the in- ters of contract and tort, arising in, upon, or concerning Nothings would soon clothe in his imperial purple, dication of it for avoidance; and it may be well assumed steamboats, and other vessels of twenty tons burden and upwhole or in part, by solicitious consideration in regard to the | the time employed in business of commerce and navigation as is now possessed and exercised by the said courts in cases first took charge of light-houses and beacons, it required the gation and commerce upon the high seas or tide-waters withments essential to the successful execution of the trust; but | works themselves, and the lands on which they were situated | in the admiralty and maritime jurisdiction of the United

and it would be an abuse of the trust to sacrifice the inter- this precaution was neglected in the case of new-works, in It is observable that the act of 1789 applies the jurisdiction the sequel it was provided by general laws that no light- of the United States to all "waters which are navigable As to the other assumed sources of a general power over house should be constructed on any site previous to the ju- from the sea" for vessels of ten tons burden; and that of internal improvements, they being specified powers, of risdiction over the same being ceded to the United States. | 1845 extends the jurisdiction to enrolled vessels of twenty Constitutional authority for the construction and support tons burden, on the lakes and navigable waters connecting the constitution, wise and thoughtful men as they were, in- of many of the public works of this nature, it is certain, may said lakes, though not waters navigable from the sea, provitended to confer on Congress the power over a subject so be found in the power of Congress to maintain a navy and ded such vessels be employed between places in different

Thus it appears that these provisions of law, in effect, pret; or, in other words, that they did not give it as a distinct | fully justified as necessary and proper incidents of that pow- | scribe conditions by which to determine whether any waters | Mebane and substantive power, instead of making it the implied in- er. And they do not seem susceptible of being referred to are public navigable waters, subject to the authority of the cident of some other one; for such is the magnitude of the any other of the specific powers vested in Congress by the federal government. The conditions include all waters, supposed incidental power and its capacity of expansion, that | constitution, unless it be that to raise revenue, in so far as | whether salt or fresh, and whether of sea, lake, or river, proonnage, and for commerce either between the United States | ayes 45, nays 55. sons employed, which would thus be thrown upon the gener- and absence of denial by any, sufficiently manifest their be- and foreign countries, or between any two or more of the lief that the power to erect light-houses, beacons, and piers, States or Territories of the Union. This excludes water This position may be illustrated by taking, as a single ex- is possessed by the general government. In the acts of Con- wholly within any particular State, and not used as the tions being for "light-houses, beacons, buoys, and public State within which it may happen to be. The constitutionality of these provisions of statute has been called in question. Their constitutionality has been main-

tained, however, by repeated decisions of the Supreme Court of the United States, and they are, therefore, the law of the | Headen, Horton, Humphleys, Johnson, A. J. Jones and by the concurrent act of the legislative, the executive, and the judicial departments of the government. Regarded as affording a criterion of what is navigable water, and as such subject to the maritime jurisdiction of the apreme Court and of Congress, these acts are objectionable aneous construction and long-continued acquiescence are in this, that the rule of navigability is an arbitrary one; that Congress may repeal the present rule, and adopt a new one: f which may be estimated at little short of six hundred mil- ality, as well as expediency, regarding the nature and the de- and that thus a legislative definition will be able to restrict ons of dollars; and if the same works had been constructed scription of those aids to navigation which Congress may or enlarge the limits of constitutional power. Yet this va-

riableness of standard seems inherent in the nature of things racticable, the cost would have probably been not less than | controversy begins, not so much to the principle as to its ap- At any rate, neither the first Congress, composed of the statesmen of the era when the constitution was adopted, nor In accordance with long-established legislative usage, Con- any subsequent Congress, has afforded us the means of attaining greater precision of construction as to this part of the

dred thousand persons, representing in families nearly a millies nearly a millies nearly a millies nearly a millies of souls, employed on or maintained by this one class of of the last session of Congress. To justify such extended power, it has been urged that, if it | propriations for the improvement of rivers and harbors, prebe constintutional to appropriate money for the purpose of scribed for his own official conduct the rule of confining such consequences which must have resulted from such extended pointing out, by the construction of light-houses or beacons, appropriations to "places below the ports of entry or delivelocal improvements being undertaken by the general government. State legislation upon this subject would have been move such obstacle, or to avoid it by the creation of an artiof Cong ess, exhausted the national treasury and left the legislation of Congress, exhausted the national treasury, and wherever a given obstruction to navigation be indicated for where the determine absolutely and unerringly at what point on a river the juris-diction of the United States shall end. He perceived, and of Pr legislation of Congress, exhausted the national treasury, and left the people burdened with a heavy public debt beyond the capacity of generations to discharge.

Is it conceivable that the framers of the constitution intencutters, it must be not less so to provide places of safety by of discretion in this matter. He confided in the patriotism of quences, should be inferred by implication as the incident of the improvement of harbors, or, where none exist, by their Congress to exercise that discretion wisely, not permitting cline, except upland fair, which has declined an enumerated powers? I cannot think this; and the impossibility of supposing it would be still more glaring, if similar passes to the propriety of improving rivers for the benefit of would ever be established by law for the express and only line.

It remains, therefore, to consider the question of the measure | business. of discretion in the exercise by Congress of the power to pro-

the powers actually enumerated is adduced or referred to as commercial intercourse, and uniting by community of interthe ground of an assumption to warrant the incidental or est the most remote quarters of the country by land commuimplied power of "internal improvement," that hypothesis nication, are the same in their nature as the uses of navigamust be rejected, or at least can be no further admitted than ble waters; and that therefore, the question of the facilities of appropriations which are in their nature particularly prone to as the particular act of internal improvement may happen to and aids to be provided to navigation, by whatsoever means, be necessary to the exercise of the granted power. Thus, is but a subdivision of the great question of the constitution-

that it may be constitutionally comprehended in the powers President Jackson, by including together and providing for or in the objects to which it is applied, depends manifestly on to declare war, to provide and maintain a navy, and to raise in one bill as well river and harbor works, as road works, im- the military or naval exigency; and the subject-matter afhe same great subject of internal improvements.

As the population, territory, and wealth of the country in
As the population, territory, and wealth of the country increased, and settlements extended into remote regions, the even mainly, intended to promote the revenue from commerce of his age. necessity for additional means of communication impressed then the very vagueness of the proposed purpose of the exmerchandise imported into the United States from roads, and to regulate commerce. If the particular improve- itself upon all minds with a force which had not been experi-

Among the radical changes of the course of legislation in ly, that which empowers it "to exercise exclusive legislation such as are constitutional and such as are not—such as ought which required in this class of public works, as in all others, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of other like works are to be constructed and maintained. It 19th, year of her age.

promote individual interests. The want of such a provision is the occasion of abuses in regard to existing works, expos ng them to private encroachment without sufficient means of In fine, a careful review of the opinions of all my prede- redress by law. Indeed, the absence, in such cases, of a cesoriginated, a bill entitle "An act making appropriations for the repair, preservation, and completion of certain public to "exclusive legislation in all cases whatever, as applied to cessors, and of the legislation in all cases whatever, as applied to cessors, and of the legislation in all cases whatever, as applied to cessors, and of the legislation in all cases whatever, as applied to cessors, and of the legislation in all cases whatever, as applied to cessors. perceive any sufficient reason for requiring it in the case of are within the scope of the power delegated by the constitu- arsenals or forts which does not equally apply to all other tion; and the question still remains unsettled. President public works; if to be constructed and maintained by Congress in the exercise of a constitutional power of appropris tion, they should be brought within the jurisdiction of the

There is another measure of precaution in regard, to such from the treasury, of light-houses, beacons, buoys, and other appropriations which seems to me to be worthy of the considown independent merits, and, if it pass, shall do so under But if the distinction thus made rests upon the differences circumstances of legislative scrutiny, entitling it to be regar-During that period of time in which the country had not

position invited foreign commerce, had entered upon plans for the improvement of their harbors by themselves, and with which it is environed, while they have directed public is one of the limited powers, the authority to purchase must At the the time of the adoption of the constitution the vast through means of support drawn directly from that comthe most sanguine anticipations of the fathers of the repub- ditures upon them being defrayed by the very facilities they

These considerations, added to the embarrassments of the whole question, amply suffice to suggest the policy of con-

Washington, December 30, 1854.

Wilmington and Charlotte Rail Road. The following is the report of the proceedings had

The special order of the day-the bill incorporating the Wilmington and Charlotte Railread Compawas amended in some unimportant particulars, when he addressed the House on the merits of the bill at considerable length, setting forth the benefits to be cability of the work, the safety to the State, and the claims of the section of the State he represented upon the Legislature to afford aid in the enterprise. He the worst had passed and set forth the advantages to waters which are navigable from the sea by vessels of ten or He concluded his remarks by an invocation to the commercial grasp of South Carolina, and place the tionality of jurisdiction is limited to the sea, or even to tide- citizens of those counties on an equality with the

Mr. Shipp introduced an amendment to the bill, proposing to strike out Charlotte and insert Asheville, and spoke to the merits of the bill

Mr. McKesson proposed an amendment to strike out Charlotte and insert Asheville via Swannanoa

It was a duty he awed himself and his liberal constituents to place himself in a proper position by explaining the reason why he voted for the bill. He did it for the protection of the Western extension; he felt a deep interest in the State at large, and particularly that portion of it from whence he came; he, therefore, could not omit any opportunity without House composed of North Carolinians-not Eastern Western or sectional members---members having nought but the good of the State at heart. Mr. Mc-Kesson said, greatly as he loved the old Key-Stone, that gave him birth, he was, and hoped to God he ever should be a true North Carolinian, and as such I tell you, Mr. Speaker, we want proper means for the communication of intelligence, and for the trans portation of our own resources from West to East. and from East to West. Said Mr. McKesson, rail roads are all essential in peace, and doubly so in war. Suppose, said he, we were engaged in war with a foreign nation, how long would it take our hardy mountain boys to reach the sea shore.

Your party is travelling onward rapidly towards Cuba. I am frank to admit, Mr. Speaker, said Mr. McK., I have a little fondness for Cuba, and unless the great leviathan of the other wing of the capitol, the distinguished gentleman whom the Knowchecked you in your progress, he would however vote for the bill with an assurance that the friends constitutional power over such matters vested in Con- between ports and places in different States and Territories of this bill would not forget the main trunk, the upon the lakes and navigable waters connecting said lakes, Western extension. He could not commit himself any further until the received a helping hand for

> Mr. Norment spoke in favor of the bill as originally presented. The question arising on the amendment of Mr.

McKesson, it was rejected The question arising on the amendment offered by Mr. Shipp, the ayes and nays were called by A. Caldwell with the following result:-ayes 21,

The bill was further amended on motion of Mr

Mr. Martin moved to strike out the section requiring the State to endorse the Bonds of the Company, on which the following vote was announced-

The question arising on the passage of the bill the second time, the ayes and nays were demanded with the following result: Aves-Messrs. Amis, Baxter, Black, Boyle, Bry son, D. F. Caldwell, A. H. Caldwell, Cansler, Chadwick. Cook, Davenport, Dunn, Furr, Garland, Gen-

try, Gilliam, Gorrell, G. Green, J. H. Headen, A. D. Lancaster, Hugh Leach, Mann, McKesson, Meares, Mebane, Myers, S. J. Neal, J. W. Neal, Norment. Oglesby, Patterson, Patton, Phillips, Regan, Rolen, Rose, Russel, Shepherd, Shipp, Sharpe, Sherrill, Simmons, Stubbs, Steel, Sutton, Turner, Vance, G. M. White, N. B. Whitefield, Whitlock, Wilkins, B. F. Williams, T. H. Williams and Yancy-59. NAYS .- Messrs. J. Parnes, A. Barnes, Badham,

Blow, Bryant, Bullock, J. B. Bynum, Cotten, Craven, Daniel Daughty, Dortch, Flynt, M. Green, Hill, Holland, Jarvis, Jenkins, J. M. Leach, Long, Lyon, March, Martin, Outlaw, Rand, Selby, Settle, Shaw, Smallmend by way of a substitute, which was reported to ded seventy thousand or eighty thousand or eighty thousand or eighty thousand employed on the the United States. But the general government cannot go This reflection may serve to relieve from undeserved re- wood, Thornburg, Tomlinson, Walser, Waugh, Whit-Williams and Wright-39.

The House then took recess. Later from Europe.

New York, Jan. 3.—The steamship Asia, with iverpool dates to the 20th December, has arrived at Halifax. She brings nothing new from the seat of Prussia had sent a special envoy to London.

The bill for the enlistment of a foreign legion awakens angry discussion in Parlioment Cotton has partially recovered from the late de-

In Manchester, there was a slight improvement in

Consols are unchanged. Flour is firm, and the 43s.; Ohio 46s.; Baltimore 44a45s. Wheat is unchanged. Corn has advanced 6d. The transactions

## MARRIED

In this county, on the 20th of December, by the Rev. D. B. Black, Mr. R. C. ORMSBY, to Mrs. AILE BOWDEN, all Also, on the 21st December, by the Rev. D. B. Black, Mr. H. AKMSTRONG, to Miss SARAH C., daughter of R.

Noble in mind-generous and pure at heart, passed he from

in the affections of his companions. "How loved! how honour'd once, avails thee not,

To whom related, or by whom begot, A heap of dust alone remains of thee-Tis all thou art, and all the proud shall be." Com-At Smithville, N. C., on the 18th of December, MARY